

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 11/11/2024

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TAMMY S. OSBY,	:	
	:	
Plaintiff,	:	1:23-cv-1731-GHW-JW
	:	
-v-	:	<u>ORDER</u>
	:	
CITY OF NEW YORK,	:	
	:	
Defendant.	:	
	:	
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GREGORY H. WOODS, United States District Judge:		

On August 15, 2024, Magistrate Judge Jennifer E. Willis issued a report and recommendation in this case (“Report”). Dkt. No. 36. On September 13, 2024, the Court issued a memorandum opinion and order (“Order”) adopting the Report’s recommendation that the plaintiff’s federal claims be dismissed. Dkt. No 39. However, the Court did not adopt the Report’s recommendation to dismiss the plaintiff’s state and city-law claims because the defendant failed to move to dismiss those claims, and the Court declined to adopt the Report’s reasoning as to why those claims should be dismissed *sua sponte*. See Order at 13.

The Court dismissed the plaintiff’s federal claims with prejudice, except as to her ADA retaliation claim, which was dismissed without prejudice. See Order at 15. The plaintiff was granted leave to amend her complaint with respect to her ADA retaliation claim. *Id.* Any amended complaint needed to be filed no later than October 4, 2024. *Id.*

The plaintiff has not filed an amended complaint. Consequently, the plaintiff’s ADA retaliation claim is dismissed with prejudice.

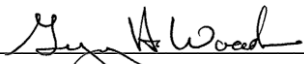
Because the defendant did not move to dismiss the plaintiff’s pending state and city-law claims, both parties are directed to submit a letter to Magistrate Judge Willis regarding the proposed

next steps in the case by November 25, 2024.

The Clerk of Court is directed to mail a copy of this order to Plaintiff.

SO ORDERED.

Dated: November 11, 2024
New York, New York



GREGORY H. WOODS
United States District Judge